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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: TAKAYAMA=10

In re Application of: ) BOX AF  
Hiroaki TAKAYAMA et al ) Art Unit: 1616  
Appn. No.: 10/069,481 ) Examiner: S. Qazi  
Filed: February 27, 2002 ) Washington, D.C.  
For: VITAMIN D DERIVATIVES HAVING ) March 23, 2004  
SUBSTIUEANTS... )  
)

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Honorable Commissioner of Patents and Trademarks  
ARLINGTON, va 22202

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the final rejection (or the rejection of claims for at least the second time), dated September 24, 2003, of the Primary Examiner. The claims appealed are claims 1-3, 6 and 7.

The item(s) checked below are appropriate:

- Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.
- A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.
- XXX The fee has been calculated as shown below:
- XXX \$330.00  
 \$165.00 (small entity)  
 Not required (fee paid in prior appeal)

XXX Applicant hereby petitions for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity	Other Than Small Entity
Response Filed Within	Response Filed Within
[ ] First - \$ 55.00	[ ] First - \$ 110.00
[ ] Second - \$210.00	[ ] Second - \$ 420.00
[ ] Third - \$475.00	[X] Third - \$ 950.00
[ ] Fourth - \$740.00	[ ] Fourth - \$1480.00
month after time period set	month after time period set
[ ] Less fees (\$_____) already paid for ____ months extension of time on _____.	

XXX Credit Card Payment form PTO-2038, is attached authorizing payment in the amount of \$ 1280.00.

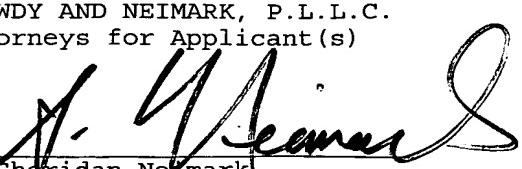
XXX Please charge any deficit in the fee paid herewith to my Deposit Account No. 02-4035.

03/24/2004 YPOLITE1 00000082 10069481

01 FC:1401 330.00 OP

Respectfully submitted,  
BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant(s)

By

  
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